REMARKS

Claims 1, 3-18, and 21 are pending in the application.

Claims 1, 3-18 and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable by U.S. Patent No. 5,876,625 to Collins et al. (hereinafter "Collins") in view of U.S. Patent No. 6,350,872 to Virkler et al. (hereinafter "Virkler").

The Examiner concedes that Collins fails to teach or suggest methods for dyeing textiles with reactive dyes, and alleges that it would have been obvious to modify the methods of Collins by substituting the reactive dyes of Virkler because Virkler teaches the equivalency of dyeing cellulosic fabrics with reactive, direct or acid dyes. Applicants respectfully disagree.

It is well settled that to establish a *prima facie* case of obviousness, the USPTO must satisfy all of the following requirements. First, the prior art relied upon, coupled with the knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or to combine references. *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Second, the proposed modification has a reasonable expectation of success, as determined from the vantage point of one of ordinary skill in the art at the time the invention was made. *Amgen v. Chugai Pharmaceutical Co.* 18 USPQ 2d 1016, 1023 (Fed Cir, 1991), *cert. denied* 502 U.S. 856 (1991). Third, the prior art reference or combination of references must teach or suggest all of the limitations of the claims. *In re Wilson*, 165 USPQ 494, 496, (CCPA 1970).

The combination of Collins in view of Virkler fails to render the current claimed invention obvious because neither Collins nor Virkler provide motivation to modify the method of Collins or a reasonable expectation of success if such a modification were made. In addition to the arguments made in the response of March 13, 2006, Collins fails to provide any evidence whatsoever that the oxidizing system of Collins is capable of oxidizing and decoloring reactive dyes, nor does Collins provide any evidence that the oxidizing system of Collins is capable of oxidizing and decoloring anything more than "extraneous free flowing dyes released from colored fabrics washed in a wash

liquor". Therefore, Collins fails to provide motivation to utilize the oxidizing system of Collins in the method of Virkler or a reasonable expectation of successfully making such a modification because, based on the disclosure of Collins, the oxidizing system of Collins would be ineffective in the method of Virkler.

Moreover, Virkler provides an extensive list of additives that may be added into the bath after the dye has been exhausted into the fabric: "specifically, additives such as anionic softeners, soil release agents, anti-stain agents, anti-static agents or the like can be added to the bath", (column 10, lines 33-35) and advocates washing the dyed fabric in a cold water rinse (See Examples 6 and 7). Furthermore, Virkler does not express any need to additionally treat the dyed fabric with an oxidizing system to decolor the dyed fabric. Therefore, there is no motivation to add a rinse step including the oxidizing system of Collins to the method of Virkler based on the disclosure of Virkler.

Accordingly, the combination of Collins in view of Virkler fails to provide motivation to modify the method of Virkler or a reasonable expectation of combining these references to arrive at the Applicants claimed invention. Reconsideration and withdrawal of the Examiner's rejection is respectfully requested.

It is believed that pending Claims 1, 3-18, and 21 are now in condition for allowance and notice to such effect is respectfully requested. Should the Examiner have any questions regarding this application, the Examiner is invited to initiate a telephone conference with the undersigned.

Respectfully submitted,

By _____
Jennifer R. Seng
Attorney for Applicants
Reg. No. 45,851

LANXESS Corporation
Law & Intellectual Property Department
111 RIDC Park West Drive
Pittsburgh, Pennsylvania 15275-1112
(412) 809-2232
FACSIMILE PHONE NUMBER:
(412) 809-1054